

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-
Plaintiff.

C.A. No. 04-901-JJF

REDACTED VERSION

**DECLARATION OF STANLEY J. BENKOSKI IN SUPPORT OF
AFFYMETRIX, INC.'S ANSWER TO ILLUMINA'S
SUPPLEMENTAL BRIEF RE MOTION TO DISMISS COUNT 2**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Jack B. Blumenfeld (#1014)
Maryellen Noreika (#3208)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
*Attorneys for Plaintiff/Counter-Defendant
Affymetrix, Inc.*

OF COUNSEL:

Michael J. Malecek
Daniel R. Reed
George C. Yu
Andrea L. Gross
AFFYMETRIX, INC.
6550 Vallejo Street, Suite 100
Emeryville, CA 94608
(510) 428-8500

Original Filing Date: July 7, 2006

Redacted Filing Date: August 1, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-
Plaintiff.

C.A. No. 04-901-JJF

**DECLARATION OF STANLEY J. BENKOSKI IN SUPPORT OF AFFYMETRIX,
INC.'S ANSWER TO ILLUMINA'S SUPPLEMENTAL BRIEF RE MOTION TO
DISMISS COUNT 2**

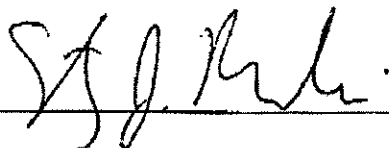
I, Stanley J. Benkoski, declare as follows:

1. I am a Faculty Member in the Department of Mathematics at West Valley College in Saratoga, California. Up through 1998, I was employed by Daniel H. Wagner Associates ("Wagner") for approximately 23 years. In 1991, I was manager of the Sunnyvale, California office of Wagner and was a vice president of the company. Unless otherwise indicated, I have personal knowledge of all the facts contained in this declaration and, if called upon to do so, would and could testify competently thereto.

REDACTED

REDACTED

I declare under penalty of perjury of the laws of the United States of America that
the foregoing is true and correct. Executed July 6, 2006, in Saratoga, California.


Stanley J. Benkoski

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2006, I electronically filed the foregoing document using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP

I also certify that copies were caused to be served on August 1, 2006 upon the following in the manner indicated:

BY HAND

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
P.O. Box 2306
Wilmington, DE 19899-2306

BY FEDERAL EXPRESS

Marcus E. Sernel
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601

/s/ Maryellen Noreika
Maryellen Noreika (#4601)
1201 N. Market Street
P. O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
mnoreika@mnat.com